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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOHNNY WAYNE THORN, an individual,

Plaintiff,

vs.

AXIS INSURANCE COMPANY, an insurance  
company doing business in Nevada; DOES I  
through X, inclusive; XYZ CORPORATIONS  
XI through XX; and ABC LIMITED  
LIABILITY COMPANIES XXI through XXX,

Defendants.

CASE NO. 2:23-cv-02093-JAD-DJA

**JOINT STIPULATION TO EXTEND  
DISCOVERY DEADLINES  
(SECOND REQUEST)**

Plaintiff JOHNNY WAYNE THORN (“Plaintiff”) and Defendant AXIS INSURANCE COMPANY (“Defendant”) (together, the “Parties”), through each Parties’ counsel of record, hereby file this Joint Stipulation to Extend Discovery Deadlines (Second Request) (the “Motion”). This Motion is filed in accordance with LR 26-3. For the reasons set forth below, the Parties respectfully request this Court extend the current discovery deadlines by sixty (60) days. This is the second motion to extend the discovery deadlines.

**I. INTRODUCTION**

This is an action by Plaintiff against Defendant seeking benefits under a underinsured motorist policy. On November 16, 2020, Plaintiff claims that he sustained injuries arising out of a motor vehicle collision. Plaintiff claims that as a result of the subject accident, he underwent a anterior cervical discectomy and fusion surgery. Plaintiff's past medical expenses equate to \$164,904.97 and a wage loss claim for \$111,011.54. Plaintiff is also making claims for future medical care \$514,750.00.

## **II. DISCOVERY COMPLETED TO DATE**

1. The parties conducted the Rule 26(f) conference on January 17, 2024.
2. The parties have exchanged their Rule 26(a)(1) disclosures and supplements thereto.
3. The parties have propounded and responded to written discovery.
4. Defendant has taken the deposition of Plaintiff.
5. Mediation is scheduled for September 11, 2024.

## **III. DISCOVERY TO BE COMPLETED**

1. Additional written discovery
2. Additional depositions
3. Expert disclosures
4. Rebuttal expert disclosures
5. Expert depositions

## **IV. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME LIMITS AND NEED FOR DISCOVERY TO BE EXTENDED**

This is the second request to extend discovery deadlines. Good cause also exists in that the parties have been active in discovery. Mediation is scheduled to take place on September 11, 2024. The parties would like to extend the deadlines to see if settlement is obtainable. As such, the parties request a 60-day extension to the below future deadlines and trial dates.

## **V. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

EVENT	EXISTING DEADLINE	PROPOSED NEW DEADLINE
Last Day to File Motion to Amend Pleadings/Add Parties	<b>August 15, 2024</b>	<b>October 15, 2024</b>
Initial Expert Disclosures	<b>August 15, 2024</b>	<b>October 15, 2024</b>
Rebuttal Expert Disclosures	<b>September 16, 2024</b>	<b>November 15, 2024</b>
Completion of Discovery	<b>October 15, 2024</b>	<b>December 16, 2024</b>
Dispositive Motions	<b>November 14, 2024</b>	<b>January 14, 2025</b>

WHEREFORE, the Parties respectfully request that the Court extend the current discovery deadlines by 60 days (60) days.

Dated: August 5, 2024,

**COZEN O'CONNOR**

*/s/ Jan Tomosik*

Jan K. Tomasik, Esq.  
Nevada Bar No.15104  
Jonathan A. Rich, Esq.  
Nevada Bar No. 15312  
500 North Rainbow Blvd., Suite 300  
Las Vegas, Nevada 89107  
*Attorneys for Defendant  
Axis Insurance Company*

Dated: August 5, 2024

**KIDWELL & GALLAGHER**

*s/ Barbara Gallagher*

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790 Comercial Street  
Elko, Nevada 89801  
*Attorneys for Plaintiff  
Johnny Wayne Thorn*

**IT IS SO ORDERED.**

  
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DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

DATED: 8/7/2024



Cassie Wolf &lt;cassie@kidwellgallagher.com&gt;

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**Re: SAO to Continue Deadlines**

1 message

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**Tomasik, Jan K.** <JTomasik@cozen.com>  
To: Barbara Gallagher <barbara@kidwellgallagher.com>  
Cc: Cassie Wolf <cassie@kidwellgallagher.com>

Mon, Aug 5, 2024 at 9:31 PM

You may affix my signature. Thx!

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**From:** Barbara Gallagher <barbara@kidwellgallagher.com>  
**Sent:** Monday, August 5, 2024 8:30:20 PM  
**To:** Tomasik, Jan K. <JTomasik@cozen.com>  
**Cc:** Cassie Wolf <cassie@kidwellgallagher.com>  
**Subject:** SAO to Continue Deadlines

**\*\*EXTERNAL SENDER\*\***

Hello Jan,

Here is the proposed SAO to continue the discovery deadlines. Please let me know if you have any changes or concerns. If not, may we affix your e-signature and file?

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